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ABSTRACT

Directed toward parents of handicapped children, this brochure defines five major categories of sexual exploitation under Washington State laws: rape, attempted rape, incest, indecent liberties, and statutory rape. Changes in child behavior that may signal victimization are discussed, as well as immediate and long-term action that parents can take. Specific services of the Seattle Rape Relief Developmental Disabilities Project available for victims in the Seattle, Washington area are described. (JW)

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INTRODUCTION

Sexual exploitation is a general term for various types of sexual abuse, including rape, attempted rape, incest, indecent liberties, and statutory rape.

Sexual exploitation of children, adolescents, and adults who are physically handicapped and/or mentally handicapped is a serious and pervasive problem which is evoking public concern. Each year, the Seattle Rape Relief Developmental Disabilities Project responds to increasing numbers of reported handicapped victims in an effort to assist them and their families through the traumatic experience created by sexual exploitation.

This brochure provides information about this problem to parents of handicapped individuals, special education personnel, and others who provide service to handicapped individuals and their families. It also includes guidelines helpful in assisting mentally handicapped and physically handicapped victims of sexual exploitation.

The services of the Seattle Rape Relief Developmental Disabilities Project are described, as well as other resources.

It is our hope that this information will increase adequate and sensitive services to handicapped victims of sexual exploitation.

SERVICES FOR HANDICAPPED VICTIMS

Seattle Rape Relief has a Developmental Disabilities Program to assist mentally and physically handicapped victims of rape, attempted rape, incest, or indecent liberties (molestation). This service is free to handicapped children, adolescents, adults and their families.

FOR ASSISTANCE, CALL THE RAPE CRISIS LINE AT 632-7273. A Developmental Disabilities Specialist can be reached by calling this number between 9:00 and 5:00, Monday-Friday. However, a Rape Crisis Counselor is available 24 hours a day, and she can reach a Developmental Disabilities Specialist immediately for you.

The Rape Relief Developmental Disabilities Program provides the following services:

COUNSELING for the handicapped victim and their families. Depending upon the needs, this may be short-term counseling or possible referral for long-term counseling.

MEDICAL ADVOCACY

1) Developmental Disabilities Specialists will aid in getting assistance, provided at the emergency room at Harborview Medical Center, to assure that physical injury, venereal disease, or other medical problems are treated.

2) Pregnancy preventive counseling can be requested.

3) A social worker is available in the emergency room to

assist victims of sexual exploitation while they are receiving medical care.

4) Specialists are available to go to other medical facilities.

LEGAL ADVOCACY A Developmental Disabilities Specialist will assist handicapped persons in getting legal services by:

1) Helping the victim and his or her family decide whether to press charges against the offender.

2) Accompanying the victim to police interviews.

3) Helping the victim and family to prepare for trial and accompanying the victim to court.

4) Transportation is provided for all services if needed.

Counseling and advocacy services are provided by many local rape crisis centers. You should contact the nearest rape center for assistance. Services in the Seattle-King County area include:

King County Rape Relief (Renton) 226-RAPE

Everett Rape Relief 258-7123

Pierce County Rape Relief (Tacoma) 627-1135

SEATTLE RAPE RELIEF DEVELOPMENTAL DISABILITIES PROJECT 24 HOURS A DAY — 632-RAPE

WHAT IS SEXUAL EXPLOITATION?

Sexual exploitation is defined under Washington State Law by using five major categories: rape, attempted rape, incest, indecent liberties, and statutory rape.

RAPE

Rape is legally defined in Washington State as: forcible sexual intercourse without the person's consent. Sexual intercourse means penetration with a penis or object (such as a finger or pencil), either orally, vaginally, or anally. It also includes oral sex performed by a person on a victim when no penetration occurs. Rape can occur between members of the same sex as well as the opposite sex. However, the State law does not recognize rape between married couples.

Washington State law defines three degrees of rape:

First Degree Rape. Forced sexual intercourse where the offender uses or threatens to use a deadly weapon, kidnaps the victim, seriously injures the victim, or breaks into the building or vehicle where the victim is.

Second Degree Rape. Forced sexual intercourse.* *Included in the second degree rape law is a clause to protect those individuals "incapable of informed consent" due to a mental or physical handicap.* A person can be considered "incapable of informed consent" when this person lacks information or mental ability to decide whether or not she or he wants to have sexual intercourse. A person who is

incapable of expressing lack of consent due to a physical disability such as cerebral palsy can also be considered "incapable of informed consent." A judge decides whether a handicapped person is incapable of informed consent on a case by case basis.

Third Degree Rape. Sexual intercourse where force is not used, but the victim did not consent to the act, and clearly expressed this lack of consent to the offender.

Force does not necessarily have to be actual physical force. It also means the threat of force, or an implied threat of force. In general, evidence of a victim's past sexual history is not admissible in court.

ATTEMPTED RAPE

Washington State law also applies to situations where someone tries either rape or sexual assault but not complete the act. This is called attempted rape and is a crime. If someone does try to rape you, don't hesitate to call Rape Relief or the Sexual Assault Center, and the police if you choose.

INCEST

Incest is defined as sexual intercourse between members of the same family who are not married. It usually involves a father or step-father, grandfather, uncle, or brother.

INDECENT LIBERTIES

Indecent liberties is forced sexual contact between two people, where sexual intercourse (as defined above) does not occur. If the victim is 13 years of age or younger, the crime is committed even if force is not used.

STATUTORY RAPE

The definition of statutory rape is the same as the definition of rape, except the victim is always 15 years or younger and lack of the victim's consent is not necessary.

There are also three degrees of statutory rape:

First Degree Statutory Rape. When the offender is 13 years or older, and the victim is 11 years or younger.

Second Degree Statutory Rape. When the offender is 16 years or older, and the victim is 11, 12, or 13 years.

Third Degree Statutory Rape. When the offender is 18 years or older, and the victim is 14 or 15 years.

IS IT COMMON?

During the first two years of the Developmental Disabilities Project, Rape Relief assisted about 300 victims of sexual exploitation who were either physically or mentally handicapped. Rape Relief estimates that only 20% of all handicapped victims report to Rape Relief for help each year. There may be as many as 750 handicapped victims of sexual exploitation each year in King County when both persons who do report and persons who don't report are counted . . .

We estimate that there may be as many as 30,000 mentally and physically handicapped victims of sexual exploitation in Washington State each year.

MOST ASSAULTS ON HANDICAPPED PEOPLE AREN'T REPORTED

Many handicapped persons do not know about Rape Relief. Frequently, mentally handicapped adults living independently are not informed about how to seek help if they are victims of sexual exploitation.

Victims of sexual exploitation are sometimes threatened by the offender or told to keep incidents of sexual activity a secret. Threats such as "I'll fire you from your job if you tell anyone," or pacts of secrecy such as "This is a secret between you and me; don't tell anyone else what we're doing," are common.

A child may be taught by the offender from a very young age that sexual activity with a family member is normal. The child may not realize the need to report the incidents of sexual activity. This activity may continue for a number of years.

Finally, the victim who has been exploited by a family member may be afraid to seek help because she or he is unsure about what disruption may occur within the family. These victims are usually uninformed about the support that Rape Relief can provide in these situations.

WHO ARE THE SEX OFFENDERS?

Handicapped persons are most often sexually exploited by people they know. Between 1977 and 1979, 99% of all handicapped victims who reported to Rape Relief were sexually exploited by friends, acquaintances, caretakers, and relatives. These are often people we would least suspect. Sex offenders, like victims, are individuals of all ages, races, social and economic backgrounds.

LOOK AT THE COMMON PROBLEMS

A handicapped child or adult may try to tell you that she or he has been sexually exploited but may not know how to explain what has happened. For example, Jan tells her mother, "I don't like to be with Mr. Brown anymore." Jan has always enjoyed spending time with Mr. Brown before, until he began to molest her sexually.

Other possible problems:

1) Changes in behavior at school or work, such as withdrawn manner, inattention to school work, or other behaviors which are **unusual**.

2) Sleep disturbances (nightmares, fear of going to bed, waking up during the night, fear of sleeping alone).

3) Fears the person did not have before.

4) Behaving like a younger child (regression).

5) Loss of appetite, or the opposite.

6) Anger or acting out behavior of any kind.

7) Reluctance to visit or spend time with a particular friend, relative or other person.

8) Needing more reassurance than usual; clinging to parent or caretaker.

In some cases, a handicapped child or adult is sexually exploited but does not appear to be upset. This may happen because the child or adult does not understand that the incidents of sexual activity are wrong. This does not mean that a serious problem does not exist. This victim and her or his family may need counseling, medical care, and legal help.

LONG TERM AID FOR YOUR CHILD

(This information is from the Sexual Assault Center, provided by support from the Law Enforcement Assistance Administration, U.S. Dept. of Justice.)

1) Instruct your child to tell you immediately if the offender attempts sexual molestation or bothers her or him in any way.

2) Give your child reassurance and support that she/he is okay and safe.

3) Respond to questions or feelings your child expresses about the molestation with a calm, matter-of-fact attitude but do not pressure your child to talk about it.

4) Respect the privacy of your child by not telling a lot of people or letting other people question her or him.

5) Try to follow regular routine around the home (except usual chores, bedtimes, rules).

6) Inform other brothers and sisters that something has happened to the child, but that she or he is safe now and will be okay. Do not discuss details of assault with brothers or sisters. Make sure that all children in the family are given enough information to protect themselves from the assailant.

7) Take the time to talk over your feelings privately with someone you trust — a relative, a friend, a counselor; express your feelings. Do not discuss the situation repeatedly in front of your child/children.

IMMEDIATE ACTION YOU CAN TAKE

1) If the handicapped child or adult is able to talk about the incidents of sexual exploitation, go with the person to a private place. Ask the person to tell you what happened in her or his own words, and listen carefully.

If the child is mentally handicapped, very specific questions such as, "Can you tell me who touched you?", "Can you tell me or point to where he touched you?" can be helpful.

2) Tell the person that it is good she or he told you, that you are sorry this happened and that you will help. Reassure the person that it is not their fault that this happened.

3) Call your local Rape Crisis Center. A counselor can help you to get medical care, counseling, and legal help. If you prefer, you can call your private doctor for medical care.

4) Children's Protective Services in Washington State and similar services in other states are also available to assist children and mentally handicapped adults who are sexually exploited.

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Seattle Rape Relief,
632-RAPE

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